



**Federal Communications Commission
Washington, D.C. 20554**

March 30, 2007

DA 07-1556

Mr. Rick Gamboa
Nighthawk Communications, Inc.
11160 Sproule Ave
Pacoima, CA 91331

Re: Ramirez Electronics Station WQFZ655, FCC File No. 0002818064
Petition for Reconsideration filed by Nighthawk Communications, Inc.

Dear Mr. Gamboa:

This letter responds to the petition for reconsideration you filed on November 20, 2006 on behalf of Nighthawk Communications, Inc. (Nighthawk). You seek reconsideration of the grant of the above-referenced application filed by Ramirez Electronics (Ramirez). For the reasons set forth below, the petition is denied.

Nighthawk states that Ramirez's operations under Station WQFZ655 on frequency 463.5875 MHz are causing interference to Nighthawk's operations on frequency pair 463/468.5875 MHz under Station WQFG342. Nighthawk also asserts that Ramirez is operating in violation of Sections 90.403 and 90.405 of the Commission's Rules¹ because Ramirez is not monitoring the channel prior to transmitting. Nighthawk asks that the Commission restore Ramirez's application to pending status and return it to the frequency coordinator for new frequencies.²

We note that the frequencies 463.5875 MHz and 468.5875 MHz are licensed on a shared, nonexclusive basis.³ Nighthawk is not entitled to exclusive use of this channel. Consequently, we deny the petition for reconsideration.

Moreover, we note that the Commission's rules require private land mobile radio station licensees to "take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference."⁴ The rules also require all applicants and licensees to cooperate in the use of frequencies in order to reduce interference and make the most effective use of authorized facilities, and licensees of stations causing or receiving harmful interference are expected to cooperate and resolve interference problems by mutually satisfactory arrangements.⁵ To the extent that Nighthawk believes that Ramirez is causing interference and failing to obey the Commission's rules, it should present the matter to Spectrum Enforcement Division of the Commission's Enforcement Bureau.

¹ 47 C.F.R. §§ 90.403, 90.405.

² Nighthawk also questions Ramirez's eligibility, but provides no information to substantiate the allegation.

³ See 47 C.F.R. § 90.173(a).

⁴ See 47 C.F.R. § 90.403(e).

⁵ See 47 C.F.R. § 90.173(b).

Mr. Rick Gamboa

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended 47 U.S.C. § 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Nighthawk Communications, Inc. on November 20, 2006 IS DENIED. This action is taken under delegated authority pursuant to Section 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

cc: Jose Ramirez
Ramirez Electronics
856 E. 51st St.
Los Angeles, CA 90011

Jerry Walker
Business Radio Licensing
26941 Cabot Rd. # 134
Laguna Hills, CA 92653